

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8575 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- BIDUPUR District- Vaishali

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Nikhil Kumar @ Nikhil Singh S/o Anil Singh @ Anil Kumar Singh Resident
of Village- Chechar, P.S.- Bidupur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, App

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioner seeks regular bail in connection with
Bidupur P.S. Case No. 134 of 2021 instituted for the offences
punishable under Sections 30(a) and 41(i) of the Bihar
Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.08.2021, charge-sheet has been
submitted in the case and has antecedent of five cases.

The prosecution case, in short, is that 2594.88 liters of
foreign liquor was recovered from three vehicles which were
parked backside of the petitioner's market.



Learned counsel for the petitioner further submits that the petitioner is neither concerned with the seized liquor nor owner of the seized vehicle. The so-called seized vehicle seized from the side of the road which is public place and nothing has been recovered from the possession of the petitioner and he is in judicial custody since 10.08.2021. It is further submitted by the learned counsel for the petitioner that similarly situated other co-accused namely, Indramani Kumar and Bipin Kumar have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 07.12.2021 and 10.12.2021 passed in Cr. Misc. No. 56441 of 2021 and 66362 of 2021 respectively.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 10.08.2021 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no. 1 -cum- Addl. Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 134 of 2021, subject to the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Gaurav Kumar/-

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